

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

STEVEN TERRY HILL,

Petitioner, Civil No. 05-1506-AA

v. ORDER

GUY HALL,

Respondent.

AIKEN, District Judge.

Petitioner filed a petition for habeas corpus relief under 28 U.S.C. § 2254 challenging arson convictions from Multnomah County, for which he was sentenced in 1977.

Respondent moved to deny the petition and dismiss this proceeding on the ground that petition is not in custody on the convictions he challenges. Maleng v. Cook, 490 U.S. 448 (1989).

When petitioner did not file a brief in support of his petition or respond to the court's order to show cause, this

proceeding was dismissed for failure to prosecute. See Order (#13) and Judgment (#14), entered March 17, 2006.

Subsequently, petitioner filed a "Motion to recall Appellate Judgment" (#16) which was docketed as a brief in support of his petition and this case was reopened.

However, petitioner's Motion to Recall Appellate Judgment concerns a challenge to his convictions on various sex crimes which are not at issue in this case.

The record reflects that petitioner is no in custody for purposes of challenging his arson convictions. Therefore, the Petition (#2) is denied. This proceeding is dismissed.

DATED this 7 day of June, 2006.

/s/ Ann Aiken
Ann Aiken
United States District Judge